

ALB:TAD  
F. #2017R01569

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
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UNITED STATES OF AMERICA

- against -

Cr. No. CR-17 0538

WILLIAM PATRICK NANRY,

Defendant.  
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**Motion for an Order Authorizing Compliance with the Crime Victims' Rights Act Using Reasonable Alternative Means**

Comes now the United States of America, by and through the undersigned Trial Attorneys, and files this Motion for an Order Authorizing Compliance with the Crime Victims' Rights Act Using Reasonable Alternative Means. As described below, there are hundreds of thousands of potential victims in the present case, and the Government has no mechanism available to provide all of these possible victims with individual notice of the rights granted to them under Title 18, United States Code, Section 3771(a). Thus, the Government seeks to provide notification to victims via a reasonable alternative method, as permitted under Title 18, United States Code, Section 3771(d)(2). In this case, the alternative means will be notification through the United States Department of Justice's Victim Notification System website, which has been approved for use in numerous other large-scale fraud cases. For the reasons outlined herein, the Government asks that this motion be granted.

**Background**

William Patrick Nanry, the Defendant in this case, has been indicted for his role in a scheme to misuse the personal information of hundreds of thousands of people to create counterfeit

documents, which he then sold to his clients, who in turn provided them to telemarketers. The investigation has revealed that Nanry and his employees and associates forged the information of approximately 500,000 people from across the United States. Due to his actions, the Defendant has been charged with wire and mail fraud conspiracy, mail fraud, identity theft, and aggravated identity theft.

Because there are so many potential victims, and because the Government is unable to identify and contact each possible victim, the Government avers that an alternative means of publishing notice is necessary in this case.

### **Legal Analysis**

#### *A. Legal overview*

By statute, victims of crimes are afforded a number of rights in federal proceedings. Among these are: (i) the right to receive notice of public proceedings involving the crime; (ii) the right to attend such public proceedings; and (iii) the right to be heard regarding the release, plea, or sentencing of a defendant. *See* 18 U.S.C. § 3771(a). Government employees are tasked with alerting victims to the existence of the proceedings, and these employees must “make their best efforts to see that crime victims are notified of, and accorded,” their rights. 18 U.S.C. § 3771(c)(1).

If the number of potential victims is uncommonly large—as is the case here—the Government need not individually notify every crime victim at issue. Rather, “[i]n a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims” their statutory rights, “the court shall fashion a reasonable procedure . . . that does not unduly complicate or prolong the proceedings.” 18 U.S.C. § 3771(d)(2).

*B. Explanation of the Victim Notification System*

In the present case, the Government asks to provide victims with notice of their rights via the United States Department of Justice's Victim Notification System website, <http://www.usdoj.gov/criminal/vns/>. This system provides users with relevant information about the criminal cases at issue, including summaries of the criminal charges and explanations of victim rights. Additionally, users are able to access up-to-date information about a case's status and upcoming hearings. The Victim Notification System is currently being used to provide notice to victims in more than twenty fraud cases nationwide, and it has been utilized in dozens of older cases across the country that are now closed. *See* <https://www.justice.gov/criminal-vns/case/pending-criminal-division-cases>; <https://www.justice.gov/criminal-vns/case/closed-criminal-division-cases>.

*C. The Victim Notification System is regularly used in large-scale fraud cases*

Victim notification via Government website has previously been approved in the Eastern District of New York as "a reasonable procedure that will both give effect to the [Crime Victims' Rights Act] and will not unduly complicate or prolong the proceedings." *United States v. Saltsman*, No. 07-CR-641NGG, 2007 WL 4232985, at \*2 (E.D.N.Y. Nov. 27, 2007). Several other courts have likewise authorized Government website publication as an acceptable alternative means of providing notice to victims in fraud cases. *See, e.g., United States v. Madoff*, No. 08-MJ-02735 (S.D.N.Y. 2009) (ECF No. 33) (permitting the government to post notices about scheduled public proceedings on the United States Attorney's Office website, including notice prior to the plea proceeding scheduled in the case, and by securing an agreement to have the court-appointed trustee to include on its website a link to the United States Attorney's Office website); *United States v. Skilling*, No. 04-CR-00025 (S.D. Tex. Feb. 1, 2013) (ECF No. 694) (permitting

the government to satisfy the victim notice requirement by posting notice on the Department of Justice's website and by providing notice to counsel in the shareholders' civil class action lawsuit); *United States v. Stanford*, No. 09-CR-00342 (S.D. Tex. June 16, 2010) (ECF No. 253) (authorizing government to post notice on the Department of Justice's website and give notice to lead counsel in parallel class action lawsuit).

Because of the large number of victims in the present case and the difficulties inherent in identifying and notifying each of them, providing individual notice to each victim would be exceptionally difficult. The Government thus asks that it be allowed to provide notice to victims via the United States Department of Justice's Victim Notification Service website as a reasonable alternative means of protecting the rights of the crime victims at issue.

## Conclusion

For the reasons discussed above, individualized notice is impracticable and the proposed procedures are reasonable to give effect to the rights of potential victims. The United States therefore respectfully requests that the Court grant this motion and enter the proposed Order.

Respectfully submitted,

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**Order Authorizing Compliance with the Crime Victims' Rights Act Using Reasonable  
Alternative Means**

On this date, the Court considered the Government's Motion for an Order Authorizing Compliance with the Crime Victims' Rights Act Using Reasonable Alternative Means. Having considered the Motion, and finding that good cause has been shown, the Court hereby GRANTS the motion. It is hereby ORDERED that for any public court proceeding in the above-captioned matter, the Government may provide notice to crime victims via publication on the Department of Justice's Victim Notification System website.

IT IS SO ORDERED this \_\_\_\_ day of October, 2017, in Central Islip, New York.

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Sandra J. Feuerstein  
United States District Judge

## CERTIFICATE OF SERVICE

I, Timothy A. Duree, certify that the foregoing has been served on all attorneys of record in the above-captioned case via the CM/ECF electronic filing system.

By: \_\_\_\_\_  
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Dated: October 23, 2017